

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 97-464-W/S – ORDER NO. 98-178

MARCH 6, 1998

IN RE: Mark W. Erwin, Riverhills,	)	ORDER GRANTING
and other Lake Wylie Consumers,	)	REQUEST TO TAKE
	)	DEPOSITIONS
Complainants,	)	
	)	
vs.	)	
	)	
Carolina Water Service, Inc.,	)	
	)	
Respondent.	)	
	)	

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This matter comes before the Public Service Commission of South Carolina (“the Commission”) on the request of Carolina Water Service, Inc. (“CWS”) for leave of the Commission to take depositions of designated witnesses of York County in the above-captioned action. CWS requests that it be allowed to take the deposition(s) for pre-hearing discovery and for use at hearing. CWS’s request was filed pursuant to the Commission Rules of Practice and Procedure.

26 S.C. Code Ann. Reg. 103-852 (1976) provides that “[a]ny party of record to a proceeding may, by written request, ask the Commission for leave to take the testimony of any witness by deposition.” By its request, CWS states that it seeks to establish facts relating to the bulk service rates charged by York County to [CWS] for bulk water and

sewer, including connection charges, the bulk service charges charged to York County by bulk providers to York County for water and sewer service, the quality and quantity of the bulk commodities provided and other relevant facts as more fully described in the proposed Notice of Taking Deposition attached [to the Motion].” CWS also states that “development of such facts is critical to [CWS’s] ability to defend itself against the complaints ... in the above-captioned proceeding.”

Upon consideration of this matter, the Commission determines that CWS should be allowed to depose a witness, or witnesses, from York County. 26 S.C. Code Ann. Reg. 103-852 (1976) provides that the Commission may issue an Order granting a request to take a deposition of a witness if the Commission deems the request meritorious. The Commission hereby finds CWS’s request meritorious as the Commission is informed and believes that the deposition is necessary to CWS’s ability to defend itself against the complaints in the instant action.

Therefore, the Commission hereby orders and decrees :

1. That CWS shall be allowed to take the deposition of one or more persons, as designated by York County, who are knowledgeable about and prepared to testify and produce all documents in their possession related to the following:

- (a) Bulk service rates charged by York County for water and sewer, including connection charges.
- (b) Bulk service rates charged to York County by bulk providers of water and sewer, including connection charges.

- (c) The York County water and sewer system specifically including the physical components thereof, current and potential bulk providers, the cost therefor, the County's retail and wholesale customer bases, and the County's geographic service area.
- (d) Any and all communications (whether written or oral) by, among or between York County, its bulk water and sewer providers, the South Carolina Department of Health and Environmental Control (DHEC) or any other person or entity regarding the quality of water being provided to CWS by York County and being provided to York County by its bulk providers; also, any similar communications regarding sewer treatment and disposal services being provided to York County by its bulk sewer providers.
- (e) Any and all correspondence between CWS and York County relating to the bulk water and sewer services provided by York County to CWS, including specifically any and all statements, bills, invoices or documents of similar import rendered to CWS by York County.
- (f) The bond issue or issues made by York County for purposes of constructing, operating or maintaining the county's water and sewer systems, including specifically the annual (or other periodic) payment amount(s).

(g) The operating and maintenance costs for the York County water and sewer systems, including specifically such costs for any portion of the system which is dedicated to serving CWS's service area.

(h) The financial results of the County's operation of its water and sewer system.

2. That such deposition(s) shall be based upon oral examination.

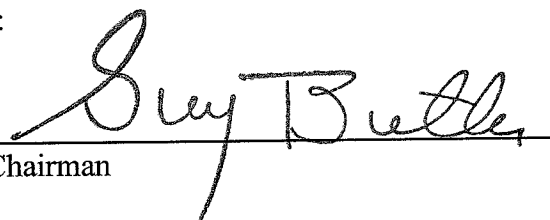
3. That such deposition(s) shall be held at a time and place convenient to the witness(es) that York County may designate, but that such depositions shall be conducted and concluded prior to March 19, 1998.

4. That such depositions shall be conducted as pre-hearing discovery and possibly for use at hearing.

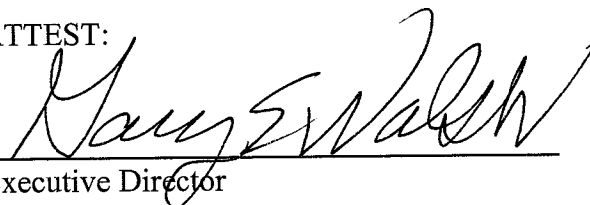
5. That CWS is required to bear all costs incident to the taking of the deposition(s).

6. This Order shall remain in effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

Deputy

(SEAL)